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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DONALD SNYDER,

Defendant.

Adv. Pro. No. 10-04765 (SMB)

TRUSTEE'S REQUEST FOR A CERTIFICATE OF DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against defendant Donald Snyder, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 7055-1 for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
February 18, 2015

Respectfully submitted,

BAKER & HOSTETLER LLP

By: /s/Dominic A. Gentile
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for the Liquidation of Bernard L. Madoff
Investment Securities LLC*

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CORPORATION,

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Defendant.

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Defendant.

Adv. Pro. No. 10-04765 (SMB)

**AFFIDAVIT SUPPORTING THE TRUSTEE'S REQUEST
FOR A CERTIFICATE OF DEFAULT**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Dominic A. Gentile, being duly sworn, hereby attests as follows:

1. I am a member of the Bar of this Court and an attorney at the firm of Baker & Hostetler LLP, which is counsel to Irving H. Picard (“Trustee”), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”) and the estate of Bernard L. Madoff, individually. I submit this affidavit in support of the Trustee’s application for a certificate of default from the Clerk pursuant to Bankruptcy Rule 7055 of the Federal Rules of Bankruptcy and Local Bankruptcy Rule 7055-1.

2. On December 1, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the “Complaint”) against Donald Snyder (“Defendant”). (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent transfers in connection with certain transfers of property by BLMIS to or for the benefit of Defendant (*Id.*).

3. On February 10, 2011, the Clerk of this Court issued a summons upon Defendant. (Dkt. No. 4.)

4. On February 10, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Donald Snyder (“Defaulting Defendant”). (*See* Dkt. Nos. 1, 4.) An

Affidavit of Service evidencing proper and timely service was filed with the Court. (Dkt. No. 5.) A true and correct copy of the Affidavit of Service is attached hereto as Exhibit A.

5. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary proceeding, the time by which Defaulting Defendant may answer or otherwise move with respect to the Complaint was set to expire October 3, 2011. (*See* Dkt. No. 13.)

6. On July 27, 2011, the Trustee and Defaulting Defendant stipulated and agreed that the time by which Defaulting Defendant may answer or otherwise respond to the Complaint would be October 3, 2011. The Trustee filed a Notice of Extension with this Court on August 4, 2011. (*See* Dkt. No. 13.)

7. Despite being duly served with the Summons and Complaint and being given an extension to answer or otherwise respond to the Complaint, Defaulting Defendant did not file an answer, move, or otherwise respond to the Complaint on or before October 3, 2011.

8. Upon information and belief, the Defaulting Defendant is neither an infant nor an incompetent.

9. On February 17, 2015, I performed a search with the Department of Defense Manpower Data Center (DMDC). Upon searching the information data banks of DMDC, the DMDC does not possess any information indicating that Defaulting Defendant is currently on active duty as to all branches of the Military.

10. Attached hereto as Exhibit B is a true and correct copy of the Affidavit of Service reflecting proper service of this application on Defendant.

11. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

/s/Dominic A. Gentile
Dominic A. Gentile

Sworn to before me this
18th day of February, 2015

/s/Sonya M. Graham
Notary Public
Sonya M. Graham
Notary Public, State of New York
No. 01GR6133214
Qualified in Westchester County
Commission Expires: Sept.12, 2017

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
Southern District of New York

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (BRL)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Case No. 09-11893 (BRL)

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04765 (BRL)

Plaintiff,

v.

NTC & Co. LLP, as former custodian of an
Individual Retirement Account for the benefit of
DONALD SNYDER, and DONALD SNYDER,

Defendants.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Yan Fayerman declare:

1. I am over the age of 18 years and not a party to these chapter 11 cases.
2. I am employed by Donlin, Recano & Company, Inc., 419 Park Avenue South, Suite 1206, New York, NY 10016.
3. On the 10th day of February, 2011, I caused a true and accurate copy of the:
 - (i) "Complaint", along with the relevant exhibits (Docket No. 1); and the
 - (ii) "Notice of Applicability of the Order Approving Case Management Procedures for Avoidance Actions" (Docket No. 2); and the

Date : 2/10/2011

Adv Pro No: 10-04763 (BRL)

Page # : 1

Exhibit 1

Redacted Version

DONALD SNYDER

DONALD SNYDER
OAK BROOK IL 60523

003295 007392

CAROLE NEVILLE, ESQ.,
SONNENSCHN NATH & ROSENTHAL LLP
1221 AVENUE OF THE AMERICAS
NEW YORK NY 10020

Counsel - 003295 007398

NTC & CO.

THOMAS J. SCHELL
BRYAN CAVE LLP
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104

Counsel - 003296 012157

EXHIBIT B

BAKER & HOSTETLER LLP

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SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

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SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DONALD SNYDER,

Defendant.

Adv. Pro. No. 10-04765 (SMB)

AFFIDAVIT OF SERVICE

[illegible]

I, **Sarah B. Roberts**, being duly sworn, depose and say: I am more than eighteen years old and not a party to this action. My business address is Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111.

On February 18, 2015, I served the *Trustee's Request for a Certificate of Default* by emailing the interested parties true and correct copies via electronic transmission to the email addresses designated for delivery and/or by placing true and correct copies thereof in sealed packages designated for regular U.S. Mail to those parties as set forth on the attached Schedule A.

/s/Sarah B. Roberts
SARAH B. ROBERTS

Sworn to before me this
18th day of February, 2015

/s/Sonya M. Graham
Notary Public
Sonya M. Graham
Notary Public, State of New York
No. 01GR6133214
Qualified in Westchester County
Commission Expires: Sept.12, 2017

SCHEDULE A

Carole Neville
Dentons US LLP
Email: carole.neville@dentons.com
Attorney for: Donald Snyder